IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4135 OF 2007

Jakkappa Chaloba Patil ....Petitioner
V/s
The State of Maharashtra & Ors..... ....Respondents.

Mr.H.G.Wakshe, Adv. For the petitioner.

Mr.D.A.Patil, AGP for respondent Nos. 1 to 3.

CORAM: A.P.DESHPANDE, J.
12/9/07

PC:

The present petitioner moved an application before the Tahsildar seeking removal of obstruction allegedly caused by the respondent to right of way. The Tahsildar has allowed the application. However the order passed by the Tahsildar has been modified in appeal by the Additional Collector. Aggrieved by modification granted in revision by Additional Collector the present petitioner has filed the writ petition. Perusal of the provisions of Mamlatdars' Courts Act, 1906 would reveal that the order passed by the Mamlatdar has not been given finality and the same has been made subject to a decision by the competent civil court by virtue of section 22 of the act. In the result no interference with the impugned order is called for in this writ petition. However it is made clear that it shall be open for the petitioner to approach the competent civil court for asserting his right of way. Writ petition is thus summarily dismissed.

12.9.07